AN ACCOUNT OF Mr. *PARKINSON*'s Expulsion From the UNIVERSITY OF OXFORD In the Late TIMES.

In Vindication of him from the False Aspersions cast on him in a late Pamphlet, Entituled, *The History of Passive Obedience.*

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AN ACCOUNT OF Mr. *PARKINSON*'s Expulsion From the UNIVERSITY of *OXFORD* In the Late Times.

ONE might well have expected, That Mr. *P.* who was illegally expell'd the University of *Oxford*, and thereby depriv'd of his Fellowship in *Lincoln* College in the late Times, would, upon his restitution to the University, have been immediately invited to return to his College. Or, if 'twere too much to expect That, yet one might in reason have thought, that none of the College would have oppos'd his returning to it: especially considering, that even those, who formerly were his Accusers, are now in their Opinions come over to him; or at least have acted by those very Principles, which they accus'd him of maintaining. Now methinks they should in reason do one of these two things; Either still reject his Principles, or receive Him. For not to admit him, when they have admitted his Principles, is as much against the Rules of good Logick, as 'tis, when they have granted the Premises, to deny the Conclusion. The Reverend Dr. *Ironside*, late Vice-Chancellor of *Oxford*, (now Lord Bishop of *Bristol*) restor'd him to the

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University above six Months ago; and why the Rector and Fellows of *Lincoln* College have not yet readmitted him to his Fellowship, I believe they can no more tell, than Dr. *H.* can, why he expell'd him the University. I'm sure he ought to be readmitted; and since the College cannot yet be brought to do him right, (though I doubt not but in time they will) I'll endeavour to do him what right I can by Printing his Case, and telling the World how he was wrong'd.

Mr. P. was a Master of Arts, and Fellow of *Lincoln* College in *Oxford*: the Fellowship he had there, is limited to the County of *Oxford*; so that none, but an *Oxfordshire* Scholar, is capable of it. And there is this further to be observ'd concerning it, That the Bishop of *Lincoln*, for the time being, (who is Visitor of that College) has a peculiar right of nomination to it, whenever it is vacant. And accordingly he, being an *Oxfordshire* Scholar, was nominated to this Fellowship by Bishop *Fuller*, in the Year 1674, and admitted to it by the Rector and Fellows of the College.

There he liv'd comfortably for nine years; and being a Tutor, had for some years above twenty young Schloars (at a time) under his care; insomuch, that by his Fellowship, and advantage of Pupils, he had a yearly Income of 120 *l.* and there, it is thought, he might have liv'd to this day, had he not had so many Pupils. 'Twas the taking of Pupils that chiefly induc'd him to stay in that College so long, (the Fellowship alone being hardly sufficient to maintain him there;) and 'twas, perhaps, the taking of too many, that mov'd some of the Fellows to drive him from thence: (I say, some of the Fellows, for no more than four out of twelve were his Accusers:) This probably was his greatest fault; a fault, which he was never careful to mend, nor they willing to forgive.

But they pretended a more specious cause for their violent Prosecution of him: they gave it out, That he was a disloyal Man, and disaffected to the Government: and indeed, if to have other notions of the Government, than they had, were to be disloyal, it must be own'd Mr. P. was so: for he was willing to think and speak of the Government as the Lawyers taught him, who, he believ'd, best understood it; but they were so wise as to correct the Law by their Mistakes in Divinity. They thought *the King was Absolute*; he was of another opinion. They said, *The Legis-*

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lative Power was lodg'd ſolely in the King; he believ'd it was not: *They were againſt the Bill of Excluſion*, he was for it. *They were for Dr.* Hick's *Paſſive Obedience*, he was for Mr. *Johnſon*'s. Now a difference between him and them about ſuch Points as theſe, one may eaſily gueſs, would cauſe frequent Diſputations and Quarrels; and a little ill Nature prompts men to undo thoſe whom they quarrel with, provided they have opportunity.

And Mr. *P*'s Adverſaries had as fair an opportunity for undoing of him, as their hearts could wiſh. For, mark the time when they began to complain of him: it was in the Year 1683, at that very time, when the Earl of *Eſſex*, Lord *Ruſſel*, Collonel *Sidney*, and other Gentlemen of Eminent Note, were ſeiz'd on, and ſent to the *Tower* for their zeal in oppoſing Popery, and Arbitrary Power: it was then, when the Nation was in a great ferment; when mens Paſſions were high, and made a great noiſe, ſo that Reaſon could not be heard. This was a lucky time for Informers, and of this Mr. *P*'s Adverſaries took the advantage.

Having got ſo fair an opportunity for oppreſſing him, they firſt apply'd themſelves to the Reverend Dr. *Marſhall*, Rector of the College, and fill'd his Ears with Complaints againſt him. The Rector, who well knew that 'twas not any concern for the Government, but rather Ill-will, and Self-intereſt, which ſet them againſt him, endeavour'd to check their Heat, and bring them to ſome temper; but the more he labour'd to quiet them, the more outrageous they grew: They knew they had, what they call'd, the Government on their ſide; and that if the Rector would not receive their Complaints againſt one, whom they had everywhere ſet out as a *Whig*, there were others that would. They made grievous Complaints of the Rector himſelf for refuſing to do them juſtice (as they phras'd it;) and gave it out, *That he deſerv'd to be turn'd out of the College for favouring Mr.* P.

The Rector hereupon thought fit to appoint a Meeting of the Society, about the end of *July* 1683, for the hearing of their Complaints againſt Mr. *P.* and gave him notice of it. It fell out unluckily for him, that many of the Fellows (and thoſe too of beſt note) were then abſent from the College, (as is uſual in the Long Vacation) who, had they been there, it is likely would have adviſ'd his Adverſaries to let the matter fall, and to forbear proſecuting one of their Fellow-members.

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A Meeting then there was of the Society at the time appointed; and Mr. *P*'s Adverſaries having drawn up their Charge againſt him, were pleas'd to read it to him. He perceiving that ſome things laid to his Charge were not material, had they been true; that ſome were very falſe; and that others wanted only a fair Interpretation to make them paſs; deſir'd a Copy of their Accuſation, and promis'd within a day or two to give them his Anſwer to it in writing. The Rector likewiſe requeſted the ſame in his behalf; but neither of them could prevail. The Rector perceiving that he could not gain any thing of them that was fair, and reſolving not to comply with them in any thing that was foul, nor to paſs an unjuſt cenſure upon him (which they preſs'd him to do) diſſolv'd the Meeting.

Finding now that they could not work on the Rector, nor gain his concurrence for oppreſſing of Mr. *P*. they applied themſelves to Dr. *H*. a Provice-Chancellor, and complain'd that Mr. *P*. had in their Company (ſome Months before) maintain'd ſeveral falſe and dangerous Propoſitions.

Hereupon the Doctor ſent for him, *Auguſt* the 20*th*, and told him, *That ſome of the Fellows of* Lincoln College *had made complaints againſt him.* He deſired to know who were his Accuſers, and what they laid to his Charge, and to have a Copy of their Accuſation, and promis'd his Anſwer to it. The Doctor ſaid, *'Twas fit he ſhould know his Accuſers, and have a Copy of their Accuſation*, and promis'd him both. And it muſt be own'd, that this was fair dealing in the Doctor; but tho he was ſo fair as to make this promiſe, yet he was not ſo juſt as to keep it.

Auguſt the 24*th*, the Doctor ſent for him again, and tho he would neither let him know who were his Accuſers, nor what they laid to his Charge; yet he requir'd him forthwith to give Bail of 2000 *l*. for his good Behaviour, and Appearance at the next Aſſizes, which were to begin at *Oxford* on the 3*d* of *September* following.

I will not here blame the Doctor for denying Mr. *P*. a Copy of his Accuſation, nor yet for exacting ſo extravagant a Bail; becauſe how unreaſonable ſoever theſe things may ſeem, yet they were agreeable to thoſe times, and herein he did but write after the many ill Copies that were ſet him by others. But I can hard-

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ly forbear complaining of him for this one thing, (becauſe herein I think he followed no example) that, when Mr. *P.* had named for his Bail two Scholars, Mr. *B.* and Mr. *K.* both Maſters of Arts, and Fellows of Colleges, and of as good note as any in the Univerſity, he refus'd them both, and yet would give no reaſon for his refuſing of them. It ſeem'd ſomewhat hard to Mr. *P.* that two of his own Body, the Univerſity, ſhould be refus'd, and that without any reaſon given; and that he ſhould ſtill be forced to name others. But this, how hard ſoever it was, he was forc'd to comply with, and to try again if he could hit the Doctor's humour in naming two others; which he had the good luck to do: For gueſſing, that no Scholars would paſs with him, he nam'd two of the Town, Mr. *P.* and Mr. *C.* who were accepted for his Bail; and he was diſmiſs'd, having been kept Priſoner by the Doctor ſeveral hours, till his Sureties came to releaſe him.

At the next *Oxford* Aſſizes, begun *September* the 3*d.* 1683. Mr. *Philip Burton* came to *Oxford*, and exhibited an Indictment againſt Mr. *P.* for maintaining the Propoſitions following (which I here preſent the Reader with, together with ſome remarks on each of them).

1. *That 'tis lawful to exclude the next Heir to the Crown from his Right and Title to the Succeſſion.*

I ſuppoſe his Accuſers mean, as he did, ſuch an Excluſion, as had not long before been debated in Parliament, and had paſs'd the Honourable Houſe of Commons in two or three Parliaments ſucceſſively. Now ſuch an Excluſion as this, no doubt, Mr. *P.* held to be lawful, and, as I believe, two third parts of the Nation held it as well as he; tho' I never yet heard of any, beſides him, that had the ill luck to be impeach'd for it. The Law, I'm ſure, ſays, That the King, Lords and Commons, have right to limit and bind the Crown of this Realm, and the Deſcent, Inheritance, and Government thereof; as appears by the 13th of Queen *Elizabeth*, *Cap.* 1. by which Statute it was made Treaſon, during the life of that Queen, to hold, affirm, or maintain the contrary; and, after her deceaſe, forfeiture of Goods and Chattels: And methinks 'tis ſomewhat ſtrange, that it ſhould be

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High Misdemeanour in Mr. P. to speak as the Law does. If Doctor *H.* knew nothing of this Law, one would think his Friend Mr. *Burton* should have instructed him in it.

2. *That if a Prince did not perform his duty, the Subjects might be discharged of theirs.*

Mr. *P.* denies, that he ever affirm'd any such general Proposition. And I can't but observe, that I have heard Dr. *Marshall*, who was then Rector of *Lincoln* College, more than once affirm, That at that Meeting held in the College about the end of *July*, (which I spake of before) and held on purpose for hearing of Complaints against Mr. *P.* there was not the least mention made of this Proposition. And Mr. *P.* dares affirm upon Oath, That he heard nothing of it at that Meeting; and therefore 'tis likely they had not thought of this to object against him at that time, it being not probable they would have concealed it, had they known any thing of it. Nor is it a hard matter to guess how they came by it; for one may see it word for word, among the twenty-seven Propositions that the University of *Oxford* condemned on the 21st of *July* 1683. it being indeed a part of the second Proposition in the Decree of that University. And 'tis likely, that Mr. *P.* had never been accus'd for maintaining this Proposition, if that University had not first condemned it. I think, I am not bound to speak my thoughts concerning this Proposition; but however, out of meer love to Truth, I will say thus much, That in some Constitutions of Government, and in some Cases, I believe it is true, *if the Prince not only does not perform his duty, but acts also exorbitantly to the contrary.* And because Truth is then best, when 'tis rightly apply'd, I will venture to apply this to our present Case, and say, That *the late King* James *having not done his duty, (but the contrary) the stiffest of the* Jacobites *(Mr. P.'s Accusers not excepted) may be discharged of theirs, and may honestly (without distinctions, or equivocations, or mental reservations) take the new Oath of Allegiance to our Gracious Sovereign King* William *and Queen* Mary.

3. *That the King might be for ever laid aside, so that there should never more be a King of* England *for the future, by the Consent of King, Lords, and Commons.*

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One fault I'm ſure there is in this propoſition, That 'tis ſillily worded: Now methinks 'tis ſomewhat hard to bring an information againſt Mr. *P.* for an uncouth expreſſion, if he had been guilty of it. There is in the words, 1. Something ſuppos'd, and that is, a conſent of the King, Lords, and Commons, That the King ſhould be for ever laid aſide, ſo that there ſhould never more be a King of *England* for the future; which is a very wild ſuppoſition, it being not in the leaſt probable that ever the thing ſuppoſed ſhould happen. And 2. there is ſomething affirm'd upon this unlikely ſuppoſition, and that is, That the King might be for ever laid aſide, ſo that there ſhould never more be a King of *England* for the future, in caſe there were ſuch a conſent. Now whether this be true, or no, let thoſe judge who will; for my part I hardly think it worth my while to examine it.

I doubt few will believe that Mr. *P.* was indicted for theſe matters, unleſs I publiſh a Copy of the Indictment; and therefore that, ſuch as it is, here follows:

A Copy of the Indictment.

Ad Aſſiſas Autumnal 35. Car. 2di Regis.

Oxon. *Jurati pro Dom. Rege Super Sacrament. ſuum præſentant, quod Jacobus P. De Oxon in Com. Oxon. Clericus timorem dei in corde ſuo non habens, &c. primo die Auguſti, Anno Regni dicti Dom. noſtri Caroli 2di, &c. triceſimo quinto apud Oxon prædict. in Com. prædict. ex ſua prava mente & nequiſſima Machinatione, in præſentia & auditu quam plurimor. ſubditor. dicti Dom. Regis tunc & ibid. præſentium, de dicto Dom. Rege & gubernatione, & regimine ſuis hujus Regni fæliciſſimis falſo malitioſe nequiter Diabolice & Seditioſe dixit, aſſeruit, declaravit, & propalavit*; Quod licitum fuit præcludere Proximum hæredem à titulo & Succeſſione ſuis ad coronam. Et Quod ſi princeps (dict. Dom. Regem nunc innuendo) debitum ejus Anglice duty non performaret, ſubditi (ſubditos dicti Dom. Regis nunc innuendo) ab eorum exonerentur. Et quod Rex (dictum Dominum Regem nunc innuendo) in perpetuum ex-

 cluderetur,

cluderetur, Anglice *laid aſide*, ita quod in futuro nunquam Rex eſſet, Anglice *a King in* Anglia, per conſenſum Regis, Dominorum & Communium in Parliamento. *Ea intentione & propoſito incitare & movere populum hujus Regni Angliæ ad odium & diſprobationem Anglice* diſlike *perſonæ dicti Domini Regis & gubernationis ſtabilitæ hujus Regni Angliæ, &c.*

E. H.
R. F.
A. T.
T. W. } Teſtes.

To this Indictment Mr. *P.* (as well he might) pleaded Not Guilty; and his Trial was put off till the following Aſſizes, that is, till the following Lent. And now he thought himſelf ſafe till Lent came, the Trial being put off till that time; and doubtleſs ſafe he was by the *Political Law*; but on a ſudden Dr. *Hicks's Imperial Law* laid hold on him, and condemn'd him before his Trial came: For the very day after he had pleaded Not Guilty, Dr. *H.* the Pro-Vice-Chancellor ſent for him, and told him, *He muſt expel him the Univerſity.*

Mr. *P.* thought it ſomewhat ſtrange, That the Doctor ſhould firſt ſend him to the Aſſizes, to be Tried there; and then ſhould on a ſudden call him back, and Condemn him without ſo much as the formality of a Tryal. He ſaid, *That the matter was then under a Judicial examination, and he hop'd the Doctor would wait the iſſue of that, and not paſs a more grievous judgment upon him, whil'ſt the matter ſtood indifferent, than in probability the judgment of the Law would be, in caſe he were found guilty upon the Indictment.* He further deſir'd, *That in caſe the Doctor were reſolv'd to proceed immediately, He would himſelf firſt hear him.*

The Doctor's Anſwer was, *That he had Orders from above to expel him.* To this Mr. P. replied, *That ſurely he miſtook his Orders; That poſſibly he might have Orders to Try, but not to Condemn him without a Tryal; or if he had receiv'd any ſuch illegal Orders, he ought not to obey them; That he knew of no Orders that could turn him out of the Univerſity, and conſequently out of his Fellowſhip; That his Fellowſhip was his Freehold, and none could turn him out of his freehold, but by Law. And therefore he deſir'd the Pro-Vice-*

Chancellor

Chancellor to ſay, by what Law he proceeded. 'Twas no eaſie matter to gain the Doctor's Anſwer to this untoward queſtion: But at length he gave this, *That he proceeded by the Laws or Statutes of the Univerſity.*

To this Mr. *P.* Replied, *That theſe indeed were Laws which oblig'd him, and that he might have Proceeded againſt him by theſe Laws at firſt, if he had ſo pleaſed; but that now he fairly could not, having already bound him over to the Aſſizes, and begun a Proſecution of him at Common Law.*

Then Mr. *P.* deſired him to ſay, *by what particular Statute of the Univerſity he proceeded.*

The Anſwer was. *by the Statutes de Contumeliis compeſcendis,* and *de Perturbatoribus Pacis.*

To this Mr. *P.* Replied, *that ſurely it ought to be proved that he had utter'd contumelious words, and to be made out, that he had been a diſturber of the peace; which had not yet been done: For he had not been ſo much as examin'd concerning any matters laid to his charge; he had not been heard; he had not had his Accuſers face to face, nor any licenſe to anſwer for himſelf concerning the Crimes laid againſt him: And 'twas not agreeable to any Law, whether Divine or Humane, whether Civil, or Common, or Statute-Law, to Condemn any one before he was heard.*

But 'twas in vain to diſpute with one who reſolv'd to obey Orders; for the Doctor anſwer'd all Mr. *P*'s Arguments (and 'twas indeed the beſt anſwer he could give) by telling him, *That he had Orders from above to expel him.* And accordingly he did forthwith expel him the Univerſity in an arbitrary manner; having never heard him, nor ſo much as ſummon'd him to a hearing.

Dr. *H.* it ſeems thought it a point of Loyalty to obey Orders; but I can tell him of as Loyal perſons as he is, who would not have thought ſo. What does he think of the Seven Biſhops that were ſent to the Tower? Were they for obeying Orders? What thinks he of the Lord Biſhop of *London*'s behaviour in Dr. *Sherp*'s Caſe? Was not his Lordſhip bid to ſuſpend that Reverend perſon? and did his Lordſhip do as he was bid? Did not his Lordſhip chuſe rather to be Suſpended himſelf, than to Suſpend a Dean of the Church in an illegal manner? True Loyalty al-

ways keeps pace with Juſtice, but never outruns it; nor is it to be thought Loyalty to undo a Fellow-Subject at the command of ones Prince.

A Copy of the Expulſion.

TImotheus Halton Sacræ Theologiæ Profeſſor & Univerſitatis Oxon. Pro Vice-Cancellarius omnibus literas haſce inſpecturis ſalutem. Cum ex juramentis quam plurimorum teſtium fide dignorum coram nobis ſuſceptis Jacobus Parkinſon A. M. & Coll. Lincolniensis Socius verba contumelioſa in ſereniſſimum Dominum noſtrum Carolum ſecundum Regem Angliæ ad pacem & concordiam Regni impediendam, & ad lites & tumultus fovend. in contemptum Domini Regis, coronæ, dignitatis legumque ſuarum, & in aliorum in tali caſu delinquentium incitamentum malitioſe & ſeditioſe protuliſſe, eoque nomine contra bonos mores, jus hujus Regni commune, & Statuta iſtius Univerſitatis notorie deliquiſſe convictus ſit: Nos ut paci publicæ & diſciplinæ Academicæ (quantum in nobis eſt) proſpiciamus, & gliſcenti in dies Seditioſorum licentiæ obviemus, prædictum Jacobum Parkinſon tanquam pacis & publicæ tranquillitatis perturbatorem (juxta ſtatuti in ea parte editi exigentiam) ex iſta Univerſitate Oxon. expellimus bannimus & exterminamus; ac expulſum, bannitum & exterminatum tenore præſentium denunciamus, atque omnibus Univerſitatis iſtius privilegiis penitus exutum declaramus. Mandantes inſuper eidem Jacobo P. ut intra ſeptem dies proxime ſequentes publicationem præſentium extra iſtam Univerſitatem Oxon. ejuſque præcinctus ſe recipiat, in poſterum non reverſurum ſub pœna juris ſi poſt dictos ſeptem dies intra Univerſatem iſtam ejuſve præcinctus, aut dicta circumcirca milliaria deprehenſus fuerit quacunque de cauſa, niſi in jus legitime vocatus, in quorum omnium fidem Sigillum officii Cancellariatus Univerſitatis Oxon. præſentibus appoſuimus. Dat. apud Oxon. ſexto die menſis Septembris, Anno Dom. 1683.

I cannot chuſe but obſerve here theſe two things.

1. That this Expulſion was grounded upon an Allegation which was not true; namely, That Mr. *P.* was convicted of ſpeaking reproachful Words againſt the Government, whereas indeed he was never tried, nor convicted.

2. That

2. That Dr. *H.* did not mention what those reproachful Words were.

Now this Expulsion of Mr. *P.* from the University, implying an Expulsion from his College, drew on him two very great Losses, the loss of his Fellowship, and the loss of his Pupils in *Lincoln* College, to the value of 120 *l. per ann.* (which Losses he has suffer'd these six years.)

And now one would have thought, That Dr. *H.* having expell'd him the University, would however have suffer'd him to breathe quietly in some other Air; and having forbidden him to come within five miles of *Oxford*, would have disturb'd him no more, provided he had kept his due distance from the forbidden Place. But the Doctor did not think fit to do his work by halves. And therefore having unjustly expell'd Mr. *P.* the University, and stript him of all that he had, and made him poor, and bare, and naked, he took effectual care to keep him so; he still kept him under the lash of the Indictment, and forc'd him to attend several Assizes at *Oxford*; not that he ever intended that Mr. *P.* should be brought to his Trial; (for he well knew, that the trying of one at the Assizes, whom he had condemn'd without a Trial, would not be much for his Credit) but this he did partly to expose him more and more, and shew him as a Criminal to his Country every half year; partly to put him to great Expence and Charges, that thereby he might the sooner consume that little Treasure he had laid up; but chiefly to hinder him from getting any other Preferment; rightly concluding, That none would venture to prefer one who was under an Indictment for High Misdemeanor.

And after all this, when the Doctor was even ashamed to give him any more trouble, and put him to any further Charge in attending the Assizes at *Oxford*; Matters were so manag'd (whether by Dr. *H.* or by Mr. *Burton*, I will not say) that the Indictment was remov'd by *Certiorari* to the *King's-Bench*. And there Mr. *P.* appear'd before Chief Justice *Jefferies*, who having treated him as he us'd to do others, and pass'd on him those usual Compliments that were wont to flow from his foul Tongue, turn'd him over to Mr. *Burton*, with whom Mr. *P.* was to make his peace as well as he could. But though he could easily guess at what rate

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he might purchaſe his quiet, yet he did not think fit to come up to the price; and ſo the Proſecution ſtill continued depending till *April* 1685, at which time a *Ceſſat Proceſſus* was eaſily granted.

I can't but think that all Scholars of that famous Univerſity of *Oxford*, and eſpecially all Fellows of Colleges, will be Mr. *P*'s Advocates, and plead his Cauſe againſt Dr. *H*. For if a Pro-Vicechancellor might expel him without ſo much as hearing him, it may concern them to conſider, that any Vicechancellor may in like manner turn out any of them, whenever the Expelling Humour ſhall take him; and what has been Mr. *P*'s Caſe, may be their own.

The Queſtion now is (and one would indeed wonder it ſhould be a queſtion) Whether Mr. *P*. who is already reſtor'd to the Univerſity, ought to be reſtor'd to his Fellowip in *Lincoln* College? He thinks that he ought; thoſe of the College think otherwiſe: (which I confeſs is not very ſtrange, if one conſiders, that ſome of them were his Accuſers, and that one of them is in his Place.) Now there being this Controverſie between Him and Them, he apply'd himſelf (as the College-Statutes direct in ſuch Caſes) to the Lord Biſhop of *Lincoln*; and having ſtated his Caſe, preſented it, *May* the 6*th*, to his Lordſhip then in *London*. He repreſented to his Lordſhip, *That he was one of the Fellows of* Lincoln *College, nominated to a Fellowſhip there in* 1674, *by his Lordſhip's immediate Predeceſſor, Biſhop* Fuller; *That in* 1683, *he was Illegally and Arbitrarily expell'd the Univerſity by Dr.* H. *Pro-Vicechancellor*; *That the Rector and Fellows (taking it for granted, that an Expulſion from the Univerſity, whether juſt or unjuſt, imply'd an Expulſion from the College,) ſignify'd to his Lordſhip the vacancy of his Place: and that thereupon his Lordſhip (who has the right of nominating one to this Place, when vacant) forthwith nominated one Mr.* Corniſh *to it, who enjoy'd it till he died; and, after his deceaſe, one Mr.* Bartholomew, *who enjoys it to this day.* He did further ſet forth, *That the Reverend Dr.* Ironſide *(late Vicechancellor of* Oxford *(now Lord Biſhop of* Briſtol) *had reſtor'd him to the Univerſity. And he humbly, conceiv'd, that thereupon he ought to be reſtor'd to his College, and to his Fellowſhip in it. For there never was* (he ſaid) *any other reaſon alledg'd to deprive him of the Profits of his Felloſhip in* Lincoln *College, but only this, That being expelled the Univerſity, he was judg'd uncapable*

uncapable of ſtaying in his College, and enjoying the Profits of his Fellowſhip there; and that Reaſon now ceas'd; and therefore he hop'd, there being no Reaſon to keep him out of his Fellowſhip any longer, he ſhould forthwith be reſtor'd to it. He therefore humbly begg'd his Lordſhip, who had nominated another to his Place, to make void that his Nomination, or rather to declare it void, (it being really void and null in the Conſtruction of the Law;) and thereby to make way for his return to his Fellowſhip in Lincoln *College.*

And afterwards, *July* the 16*th*, he wrote a Letter to his Lordſhip, then at *Buckden*; part of which I here preſent the Reader with, and that in his words.

I humbly conceive, That your Lordſhip, as Viſitor of the College, may null or make void your nomination of another to my Place, upon good Information, That it was not well grounded at firſt; as, I believe, it now plainly appears to your Lordſhip that it was not. For your Lordſhip's nomination of another to ſucceed me in my Fellowſhip, was grounded upon Dr. H*'s Expulſion of me, and a ſuppoſed vacancy ariſing from thence; and therefore your Lordſhip's nomination of another could be no more juſt, than Dr.* H*'s Expulſion of me was; nor could give another any more right to my Place, than the Expulſion took from me: And I deſire no eaſier Task than to prove, that the Expulſion was unjuſt, and being ſuch, could not deprive me of the juſt Right I had to my Place in* Lincoln *College; (for no man ſhall loſe a juſt Right by the unjuſt Act of another:) and if it could not deprive me of my Right to my Fellowſhip in* Lincoln *College, then ſtill I have a right to it, notwithſtanding Dr.* H*'s Expulſion of me; and he, who is at preſent in it, can have no right to it, notwithſtanding your Lordſhip's Nomination. And therefore I appeal to your Lordſhip as Viſitor of* Lincoln *College, and beſeech your Lordſhip to do me right. I leave it to your Lordſhip's Wiſdom, to take what method your Lordſhip ſhall think fit for the relieving of me: and if your Lordſhip thinks nothing leſs than a Viſitation will do, I humbly deſire your Lordſhip to proceed to a Viſitation.*

I cannot ſay that theſe two Papers of Mr. *P.* did operate nothing on my Lord Biſhop; (for his Lordſhip declar'd himſelf to be clearly of Opinion, That Mr. *P.* had hard meaſure, that he had been very unjuſtly treated, and that Dr. *H.* and thoſe of the College, who had done him wrong, ought to make him ſatisfaction.) Yet this I muſt ſay, That though his Lordſhip receiv'd his Ap-

peal,

peal, yet (for what Reasons I cannot tell) he has not yet thought fit to judge between the College and Him.

It must be own'd by me, that the Rector and Fellows of *Lincoln* College have made some Objections against Mr. P's restitution to his Fellowship: and it can't be deny'd by them, but every one of their Objections has had an Answer from him, though in my judgment some of them needed not any. They may print their Objections, if they list, and his Answers too, if they believe them such as will serve to set off their Objections with advantage; but I have no room for Objections and Answers in this Paper. However, to give the Reader a taste of their Objections, I will mention one of them, and 'tis their great Objection in the Opinion of the Visitor, that is, 'tis the greatest they have. *The great Objection* (says his Lordship in a Letter directed to a Gentleman in *London*) *that they have against Mr.* P's *Restitution, is, That he neither had, nor ever asked leave to be absent from College, which is Expulsion by their Statutes.* And then his Lordship says how he had answer'd it: *To this I told the Rector in a Letter, That Mr.* P. *was expell'd from the University, and not to come within five miles of it; and therefore could not come to the College to ask leave to be absent.* One would think that an expelled man should rather have asked leave to stay in the College, than have begg'd leave to go away. Sure they were very hard put to it for Objections against Mr. P's Restitution, when such as these were sent from *Oxford* to *Buckden.*

Thus have I given a short and true Account of Mr. P's Case; my next Task is to vindicate him from the false Aspersions that a late Author has cast on him in his *History of Passive Obedience.*

This Author was pleas'd to say in his Preface, *That he only did the Office of an Historian*; but I'm sure he has done it very ill in this particular that concerns Mr. P. however he has done it in others; which I do not intend to examine. The Office of an Historian I always thought had been to relate, and not to invent; but this Author has given too great a liberty to his Invention, there being not one jot of truth in his whole Story of Mr. P.

I can't but observe, that he ushers in his false Tale of Mr. P. with another that is also false, and concerns a whole Convocation of Doctors and Masters as well as him, for speaking of the Decree of the University of *Oxford* past in their Convocation, *July* the

the 21ſt, 1683. he ſays, *That it was ſubſcrib'd by the Vice-Chancellor, other Profeſſors, and the whole Convocation.* What the Vice-Chancellor and other Profeſſors did, I cannot tell; but I'm ſure, ſo far is it from being true, that it was ſubſcrib'd by the whole Convocation, that it was never ſo much as offer'd to the whole Convocation for their ſubſcription. But the Caſe was plainly this; *The D. of* Gloceſter, as this Author ſays, *(and who elſe, or whether any elſe, I know not) drew up a Decree, in which ſeveral Propoſitions were condemned as falſe, ſeditious, and impious; and ſeveral Books quoted, in which it was ſaid the Propoſitions condemned were contain'd: but none of the Convocation beſides the Perſon or Perſons concern'd in drawing up the Decree, had any time given to examine the truth either of the Propoſitions, or of the Quotations. But the Paper drawn up was read in the Convocation houſe, and 'twas immediately put to the Vote, whether it ſhould paſs, or no; the Zealous Men cry'd out,* Placet; *and others thought not fit to make oppoſition: and ſo out they came from the Convocation, and preſently a fire being kindled in the Court of the Schools, the naughty Books were burnt by the hand of the Marſhal.*

And now having abus'd a Convocation of Doctors, and Maſters, he ſingles out Mr. *P.* and falls foul upon him. And purſuant to this Decree, *Parkinſon, a Fellow of* Lincoln *College, for maintaining, That the right and foundation of all Power was in the People; That Kings are accountable for their Male-adminiſtrati n, &c. And particularly, That King* Charles *the Firſt was juſtly put to death for making war upon his Subjects; was, Ann.* 1684. *expell'd the Univerſity.*

In the firſt place, He is miſtaken as to the time of Mr. *P*'s Expulſion (which is not ſeemly in one that pretends to do the Office of an Hiſtorian) for he was not expell'd in 1684. (as this Author ſays) but in 1683. But this Miſtake I eaſily forgive, becauſe, I believe it was againſt his will; and will only deſire the Reader from hence to obſerve, how little this Hiſtorian underſtood *P*'s Caſe, and how unfit he was to repreſent it.

But he is guilty of a far worſe Miſtake, in aſſigning the Cauſe of the Expulſion; and this, I doubt, was a wilful Miſtake, and therefore juſtly deſerves blame. He mentions Three Propoſitions.

1. *That the right and foundation of all Power is in the People.*

2. *That Kings are accountable for their Male-administration*, &c.

3. *And particularly, That King* Charles *the First*, &c. And says that *P.* was expelled the University for maintaining of these Three, with an *&c.* which he was pleas'd to add to the tail of the Second Proposition, and by which he would have his Reader understand a great many more Propositions than he was willing to express. As for his *Et cætera's*, I have nothing to say to 'em; for I know not what, nor how many they are, any more than he does. But as for the Three Propositions that he has mention'd, I do aver it is so far from being true, that *P.* was Expell'd for all, or any of them, that it was never so much as objected, or laid to his Charge, That he had maintain'd any one of them: And I challenge this Author, whoever he is, to produce any Authority for what he has with so much confidence asserted. The Indictment (as is plain to any one that reads it) will not help him out; for though therein mention be made of Three Propositions, yet not one of those Three in the Indictment is the same with any one of these mention'd in the *History of Passive Obedience.* A Copy of the *Banimus*, or Expulsion, will stand him in as little stead; for though that mentions that *P.* was expelled for uttering reproachful Words against King *Charles* the Second, yet it does not express in particular what they were. I am resolv'd to be civil to this Author, and therefore I'll give him leave to go to Dr. *H.* the Expeller, and ask him, what he expell'd *P.* for. I know well enough what Answer he will give: He will say, That an Indictment was exhibited against *P.* That the Grand-Jury had found the Bill; That he from thence concluded that *P.* was guilty; That thereupon, without any more ado, he proceeded to expel him; it being needless to try one, whom he believed to be guilty. And if you object any thing against this way of proceeding, as not agreeable to Law, then presently out he pulls his *Orders from above*, and this answers all Objections. This he formerly said, and this I'm apt to think he will still say; and if he does, 'tis plain that he charges *P.* with nothing but what was in the Indictment, and consequently not with any of these Three Propositions, that are mentioned in the *History of Passive Obedience.*

But I'll give Dr. *H.* leave to give what Answer he pleases; (though,

(though, I believe, he had much rather I would give him leave to hold his Tongue) I'll give him leave to ſay what this Author would have him, That he expell'd *P.* for maintaining theſe very Propoſitions that are mention'd in the *Hiſtory of Paſſive Obedience.* But then I expect, that he ſhould be ſo civil as to anſwer the following Queries: Why did he not mention theſe Propoſitions in the Indictment? Why not in the *Bannimus?* Why did he not at leaſt particularly mention that Third Propoſition, which this Author has mention'd in ſo particular a manner? Why did he not take care to publiſh this to the World, and that too with the higheſt aggravations, out of mere regard to his own Credit, and for vindicating the Severity of his own Proceedings, which moſt men thought were unjuſt? One would think it was very nigh as bad to affirm, *That King* Charles *the Firſt was juſtly put to death,* as 'twas to hold, *That his Son the Duke might be excluded:* and why then was this latter mention'd in the Indictment, and not the former? To conclude, If Dr. *H.* knew any thing, ſix years ago, of *P*'s maintaining theſe Three Propoſitions, why did he then conceal it? And if he knew nothing of it, how could he expel him for it?

I have, I hope, ſufficiently vindicated *P.* from the miſrepreſentations of this Author; and I think I need ſay no more about it; but I have not yet done with the Author himſelf: I find him a peeviſh Man, and I'm unwilling to leave him as I find him, and therefore I'll try, if I can, to put him into good humour. And becauſe there's nothing he ſeems to like more than his Paſſive-Obedience, or Non-reſiſtance (tho I am apt to think, he likes it ſomewhat leſs in this, than he did in the former Reign) I will, to pleaſe him, give it under my hand, That if he will ſtill be for his Paſſive-Obedience in the preſent Reign, I will not oppoſe him; (and it may be I may get Mr. *Johnſon* to ſubſcribe the ſame) not that I think it a true Doctine any more now, than 'twas in the two late Reigns, but becauſe I am perſuaded that 'tis now become innocent, and will do no harm; for a Doctrine can do no harm when 'tis not believed: and neither King nor people will believe this Doctrine any longer. The late King *James* had ſufficient experience of this Principle of Paſſive Obedience to his coſt; and our preſent King is more Wiſe, and more Juſt, than

than to make tryal of it: And the people, I tro, will never more be fond of a Doctrine that renders their beings uncomfortable in this World, since their Spiritual Pastors are now of opinion, that they may get to Heaven without it. And, God be thanked, we are like to hear this Doctrine from the Pulpits no more; for they that have sworn Allegiance to King *William*, can't with any Grace Preach up a Doctrine that directly tends to dethrone him, by condemning all those that invited him hither, and assisted him here, and set the Crown on his head: And they who have not sworn, and will not swear Allegiance to him, are never like to have any Pulpits to Preach in; unless the King and Parliament should, by an Act of Grace, think fit to indulge those, who declare themselves enemies to the present Constitution. So that, as far as I can see, this Doctrine of Passive-Obedience, and Non-resistance, must take shelter in Conventicles; (I mean new and upstart Conventicles; for the old ones, I believe, will not receive it, unless one can imagine that they like it any whit the better, because it now brings a testimonial from a late dying Bishop): This Doctrine, I say, however it be thought by some to be the Characteristick of the Church of *England*, must creep into private Meetings, and be Preach'd up in a Tub; And I hope that both Preachers and Hearers of this Doctrine will be few, and (a temper being speedily found out to reconcile the Dissenters to our Church) the only Conventiclers in the Nation.

F I N I S.

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